

REMARKS

The Examiner has rejected claims 1-10. Each of the Examiner's rejections will be dealt with in turn.

Claims Rejections

35 U.S.C. 103(a) Rejection

The Examiner takes the position that claims 1, 3-6, 8 and 10 are rejected as being unpatentable over U.S. Patent No. 6,820,609 issued to Woodall in view of U.S. Patent No. 5,469,837 issued to Chiang. The Examiner takes the position that Woodall shows substantially all of the claimed limitations with the exception of the claimed spray and drain arrangement. According to the Examiner, it would have been obvious to incorporate the spray and drain taught by Chiang into the invention taught by Woodall. Reconsideration is respectfully requested for the reasons set out below.

Woodall teaches a kitchen range hood having a motor housing that draws in air from above the motor housing. More particularly, Woodall teaches a range hood having a hood body comprised of top, front, rear and side panels and having a blower assembly (motor housing) disposed within the hood. The hood body does not have a bottom panel.

As taught in column 3, lines 58 to column 4, line 14, the blower unit (the motor housing of the present application) has an upper plenum frame 50, a lower plenum 54 and a fan assembly 56, with the fan being disposed in the lower portion of the blower assembly (between upper plenum frame 50 and lower plenum 54). As specifically set out in column 3, lines 29-37, the fan is disposed in the lower portion of the blower assembly in order to draw air from above, rather than below. This is done so as to draw vapors from the upper portion of the hood. This is in distinct contrast to the

present invention which is designed to draw in gases from below the bottom of the hood and with that taught in Chiang.

The invention taught by Chiang is a kitchen range hood smoke exhauster equipped with a cleaning device. Housing 10 has an opening 11 and a motor 12 and a fan 13 disposed in the opening. An annular tray 20 is connectable to the opening 11 for collecting fluids draining down from the housing 10. The annular nature of the tray 20 allows air to be drawn in from below the range hood through the opening in the tray (and opening 11) and into housing 10. A grill 30 having a basin 31 is connected to the annular tray 20. A container 40 connects to the basin 31 and has a drain hole 41 that can be plugged in order to collect fluid that drains through the apertures 35 of the basin 31 when the fluid system is activated.

The present invention is much different than that taught in Woodall and Chiang. Rather than draw in air from above (Woodall) or directly below (Chiang) the fan, the present invention uses a tray having a planar floor and a perimeter wall having inlet openings in it to draw in air laterally from about the bottom of the range hood. The floor of the tray acts to block air directly below the fan – air can only enter through the inlet openings which are located in the perimeter side wall (see paragraph [0036]).

Claim 1 of the present invention has a limitation stating “a motor housing having top, bottom, and side surfaces defining an enclosure and having an air outlet and at least one opening defined in said bottom surface”. The Examiner has interpreted Woodall as teaching a motor housing 50 having an opening 51 defined in said bottom surface. However, if opening 51 is defined in what is to be considered the bottom surface, there is no top surface to be combined with the bottom surface and side surfaces to form an enclosure as required by claim 1. Furthermore, claim 1 of the present invention requires “a motor and a fan mounted within said motor housing”. In order to interpret Woodall in a way that meets this limitation, you need to incorporate lower plenum 54, as that is where the fan of Woodall is disposed as discussed above. The bottom surface and walls of lower plenum 54 could be the bottom surface and walls of claim 1

and the surface of upper plenum 50 within which opening 51 is defined could be the top surface of claim 1. However, if that is the case, then the examiner may no longer rely on lower plenum 54 as being the tray defined in claim 1 of the present invention. Furthermore, if the combination of upper and lower plenums 50 and 54 are interpreted as the motor housing of the present invention (as they should properly be interpreted), then they fail to disclose all the claimed limitations; specifically, there is no opening defined in the bottom surface.

Turning to the lower plenum 54 of Woodall, which the examiner has interpreted as the tray of claim 1, the applicant respectfully notes that there is no opening located in the perimeter side wall as required by claim 1 of the present invention. In addition, the examiner has interpreted panel 52 as being "a bottom panel connectable to said hood body". Panel 52 is sandwiched between the upper and lower plenums 50 and 54 and is not releasably connectable to the hood body.

In order to further distinguish the present invention from that taught in Woodall, claim 1 has been amended by adding that the motor and a fan are "mounted within said enclosure of said motor housing".

With respect to claim 3 and the annular ring, the applicant must admit to being unclear as to what part of Figure 3 of Woodall the examiner is relying on. The only horizontal surface extending below the fan is the bottom surface of lower plenum 54. This bottom surface is not an annular ring and can not constitute more than one claimed element of the invention. Claim 3 has been amended simply to clarify the claim language by changing "terminates" to "terminating".

The Examiner has also taken the position that it would be obvious to incorporate the spray and drain of Chiang with Woodall. The applicant respectfully disagrees. The motor housing (blower) of Woodall is designed to draw in air from above and drive it out through duct 28. Grease laden air is being forced through the lower plenum 54. Incorporating Chiang would require cutting an opening in the bottom of plenum 54 and

placing the spray structure of Chiang below it. Depending on where the opening is made in the bottom of plenum 54 will result in air either being drawn in from below and thereby negating the purpose of Woodall (which is to draw in air from above), or to blow air out the bottom of the plenum (which totally negates the reason for having a range hood; namely, to remove gases from above a cooking surface). There is no suggestion or motivation to combine the two and as discussed above, there is no reasonable expectation of success.

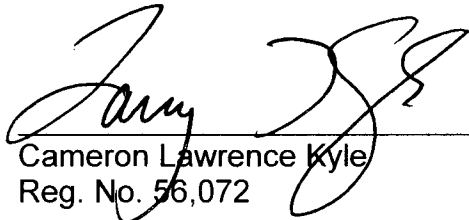
The applicant respectfully submits that claim 1 is not taught by Woodall and is therefore patentable. The remaining claims being ultimately dependent on claim 1 are therefore also patentable. With respect to claim 4, the applicant submits that Woodall and Chiang would not be combinable so as to incorporate the spray system of Chiang into Woodall and as such, claim 4 is also patentable.

CONCLUSION

In view of the above, the Applicant submits that the claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case. Should the Examiner have any questions related to the application, he is urged to contact applicant's attorney, C. Larry Kyle, at (604) 376-2490.

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Respectfully submitted,


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